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From: Enck, Judith
Sent: Tue 1/3/2017 3:17:46 PM
Subject: FW: News Clips (PFCs)

See Vermont articles

From: Rodriguez, Elias **On Behalf Of** Region2 PAD News
Sent: Tuesday, January 03, 2017 8:56 AM
To: R2 EPA Region 2 (EPA Staff) <R2_EPA_Region_2_EPA_Staff@epa.gov>
Subject: News Clips (PFCs)

Times Union

LeBrun: Enck quitting EPA, not battle for nature

By Fred LeBrun

January 1, 2017

After a biblical seven years as the Environmental Protection Agency's regional administrator whose domain included New York, Judith Enck is stepping down from her federal job on Inauguration Day, Jan. 20.

She says the departure wasn't influenced by the presidential election. Although, she is quick to admit, the surprise winner has become an unexpected factor on what's next for her. But more about that later.

We were very lucky to have Judith where she was, for as long as she was. Solid environmental clout on our behalf. The Hudson River is much the better for it. So are the residents of the South End of Albany at the Ezra Prentice Homes, struggling with bad air quality at the port; the residents of Hoosick Falls with dangerously contaminated drinking water; and countless others in New York, New Jersey, Puerto Rico and Virgin Islands.

Think for a moment where we would be with Hoosick, with the Hudson, if she had not become personally involved. If she had not stirred direct community support and awareness, her trademark approach borne of long years as a grassroots environmental activist who lit so many fires for specific causes. Judith knows New York, its political landscape and environmental challenges from years of grassroots work with the New York Public Interest Research Group, eight years with the state attorney general's office and three years as deputy secretary for the environment in the governor's office. Born in Brooklyn, raised in the nearby Greene County village of Cairo, she and her husband, attorney Mark Dunlea, will be returning to their home of many years in Rensselaer County.

The Hudson and Hoosick Falls. We were witnesses to these enormous challenges, and accomplishments.

At the top of the list has to be the phenomenal success of dredging the Hudson River, or more properly, getting General Electric to clean up much of its own mess. For Judith, this was virtually a life's work. She was involved at the state level during the long and painful negotiations over the consent order that led to the biggest Superfund dredging project in the country. Then it fell to her at the EPA to make sure it happened. It did, after a few fits and starts.

While the EPA is still technically reviewing whether GE met its legal obligations under the consent order, Enck says she is confident they did. Two thirds of the PCBs in the river are gone. At the moment, the Cuomo administration is jumping up and down in a political dance, demanding more dredging, and claiming it's the EPA's responsibility. Enck agrees there should be more dredging, and that the Champlain canal should be dredged as well, but strongly disagrees it's her agency's job to get it done. Throughout the long dredging negotiation process, the state was well aware of the dredging that would need to be done beyond the consent order and how that has to happen. It's the state's responsibility to hold General Electric accountable.

What makes the Cuomo administration's posturing laughable is that the governor infamously tried to play politics over future dredging when he was courting GE to move its corporate headquarters to Westchester County. It was part of the governor's "a lot of love on the table" gambit that failed. Now that strategy is biting him in the butt and he and his henchfolk are trying to take it out on the EPA.

The governor and Judith Enck are oil and water. Anyone who knows the governor's tactics would not doubt him capable of trying to sully her legacy accomplishment. Ever since she helped block a bald raid by the Cuomo crowd on a revolving EPA municipal infrastructure fund to pay for a big chunk of the new Tappan Zee bridge, the two have been at odds.

It got even nastier with Hoosick Falls and its PFOA water crisis. When Enck stepped in and declared the water undrinkable, ironically, a far clearer path to a resolution for the residents began to emerge from the misdirected bureaucratic murk in which Cuomo's Health Department was wallowing.

Which is by no means to say residents are well down the path to wellness, or trust in government. No. Events just this week invite dark speculation, with the mayor and village board canceling a public hearing and a vote on an agreement with polluter Saint Gobain for, among other things, \$850,000 in reimbursements to the village. Speculation might relate to the "among other things" column, or what might be missing from the agreement altogether. As far as I know, oddly no one in the public has seen the agreement yet.

Enck wants the residents of Hoosick Falls to know that designation of the village as a federal Superfund site, with all that can mean and bring, is set to happen in March. And if it doesn't, it's because monkey business from the new regime has somehow cast a wrench into it. Enck, as an exiting observation, cautions the residents to keep themselves informed, stay skeptical and buckle up. It's going to be a long ride.

So Judith Enck, 58, after 254 public speeches, and running an office with 800 employees with an annual budget of \$700 million, is back to being an activist force of one. She is weighing options. Judith has abandoned what she thought she'd be doing because the man stepping in

the White House appears bent on dismantling environmental protection. So she has vowed to fight that, in what guise is yet to be revealed.

"I've got to do more than worry. I'm going to be a watchdog. Environmental protection is just in my blood."

Photo: Will Waldron

EPA Regional Administrator Judith Enck speaks during a press conference at Indian Ladder Farms where she announced updates to the Worker Protection Standards for farmworkers on Thursday, Aug. 18, 2016, New Scotland, N.Y. The standards were updated in order to better protect the nation's farmworkers from pesticide exposure. Some improvements include a national minimum age requirement for handling pesticides - workers must now be at least 18 - and a requirement that pesticide application information and safety information be provided to all farmworkers. The new rules go into effect January 2017, according to the EPA. (Will Waldron/Times Union)

Vermont Judge Won't Dismiss PFOA Suit Against Saint-Gobain

By Associated Press January 1, 2017 1:11 PM

Photo Credit – Comstock/Thinkstock

BENNINGTON, Vt. (AP) — A Vermont judge has denied a motion from Saint-Gobain Performance Plastics to either dismiss or stay the multimillion-dollar class-action lawsuit filed over chemical water contamination.

Saint-Gobain had argued the lawsuit should not be allowed to proceed because the company was challenging the Vermont Department of Health's advisory standard for PFOA, or perfluorooctanoic acid, a chemical linked to cancer.

The Bennington Banner reports (<http://bit.ly/2hs4f4g>) a Rutland judge wrote in his decision the plaintiffs case didn't hinge on the state's PFOA concentration limits.

Residents of North Bennington and Bennington are seeking \$5 million in damages from Saint-Gobain related to contamination of private wells. The state believes the company is responsible for the PFOA water contamination. The chemical was used for years in the production of non-stick Teflon coating.

VPR

Saint-Gobain Backs Away From Taking Responsibility For PFOA Contamination

By HOWARD WEISS-TISMAN

DEC 29, 2016

Saint-Gobain owned the Chemfab plant in North Bennington, but the company says the state can't prove the PFOA contamination in the area started at the plant.

Howard Weiss-Tisman / VPR

The president of Saint-Gobain says his company might not be responsible for the water contamination in Bennington County.

The state wants Saint-Gobain to fund a \$30 million water project in Bennington, but the company's latest communication hints at a long and expensive court battle over who will pay for the water line extension.

About 270 private wells in Bennington are contaminated with the industrial chemical PFOA, and the state says the North Bennington Chemfab factory that was owned by Saint-Gobain is the source of the pollution.

But in a sharply worded letter sent to the state last week, Saint-Gobain says much more work needs to be done before pinning the water contamination on the company.

In the letter, sent to Governor-Elect Phil Scott and Governor Shumlin, company president and CEO Thomas Kinsky says it's "premature for the state of Vermont to say Saint-Gobain is responsible for the cleanup of this contamination and other actions necessary to protect public health and the environment."

Department of Environmental Conservation commissioner Alyssa Schuren says the letter came as a surprise as the two sides try to reach an agreement over who will pay for a water line extension project.

"We were certainly disappointed to see a letter like that coming from Saint-Gobain," Schuren said.

"[It's] premature for the state of Vermont to say Saint-Gobain is responsible for the cleanup of this contamination and other actions necessary to protect public health and the environment." — Thomas Kinsky, Saint-Gobain President and CEO

PFOA was used to weatherproof fabric at the North Bennington Chemfab plant. But in his letter, Kinsky points out that the factory closed down in 2002, and he says "the investigation is on-going and other potential sources of PFOA have not been evaluated by the Agency of Natural Resources."

Schuren says she's not buying it.

"We believe Saint-Gobain is the responsible party," she says. "We're going through a process right now which is indicating that, and we're not second-guessing that."

A Saint-Gobain spokesperson declined to comment for this story.

PFOA has been linked to a number of health effects, but in his letter Kinsky says there are no clear scientific studies that prove the chemical is dangerous to human health.

Since the chemical was detected in Bennington, Saint-Gobain has been working with the state to make sure people have clean drinking water. The company paid for carbon filters, which remove PFOA, but the state wants municipal water lines extended to the homes to protect property values and ensure a long term solution.

In his letter, Kinsky says the carbon filters are an effective permanent remedy. The state is trying to reach a settlement with the company over who should pay for the water lines.

Kinsky says the company will reach out to continue talks with the Scott administration.

"Although we are disappointed in the letter from St. Gobain, having the company reaffirm its commitment to work with the state on a solution, was welcome," Scott said in a prepared statement. "We look forward to meeting with St. Gobain soon to move towards a permanent solution for Bennington County residents."

PFOA activist sends letter outlining medical monitoring program

By Lindsay Nielsen

December 29, 2016, 5:35 pm

HOOSICK FALLS, N.Y. (NEWS10) – Michael Hickey, the man who first discovered the PFOA water contamination in several communities in New York and Vermont isn't giving up his fight.

Hickey says his goal now is the future, protecting his own son and other children from grave illnesses like the kidney cancer that killed Hickey's father at 70-years-old.

"that was what my dad cared about the most," said Hickey. "The kids on the bus, our family, my son."

He is taking action once again, this time reaching out to Senator Kirsten Gillibrand, and offering his own plan for how he thinks medical monitoring should be done.

Nearly three years after Hickey discovered the PFOA water contamination in Hoosick Falls he continues to push forward with his concerns.

Community members, including many children, have already received their PFOA blood test results, some coming back at very high levels.

But there has been no commitment to setting up a program called "medical monitoring." The medical monitoring would watch for six illnesses a C-8 science panel concluded did have probably links to PFOA exposure.

Those illnesses include high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer, and pregnancy-induced hypertension.

In October, Hickey sent a letter to Senator Gillibrand outlining his idea for a medical monitoring plan which he says should begin with educating doctors who treat patients in Hoosick Falls.

"I think that we need to work on that education with the polluter. They should be able to put the funds up to pay for doctors to get educated. To pay for the people that know," said Hickey. "There were three independent epidemiologists that were the best in the country that were sent to West Virginia to review the C-8 science panel. We need something along those lines."

Hickey says the plan should begin with education from medical experts on the topic.

"We need to have the education with the school nurses, with the local physicians," he said. "We need to know what we're up against going forward."

Hickey said he did receive a brief response to his letter from Senator Gillibrand's office, but still no specifics.

"They're not in session right now," said Hickey. "so we'll see what happens with a new Republican president coming in where this is going to go."

News10 ABC did reach out to Senator Gillibrand's office to see if a program would be set in place. The Senator's office is working on gathering that information and a response is expected shortly.

Saint-Gobain has "politely declined to comment."

Post Star

56 treatment systems installed in Washington County to combat PFOA

BY MICHAEL GOOT

Dec 28, 2016

WHITE CREEK — A total of 56 treatment systems have been installed in Washington County to address the PFOA contamination in homeowners' water supply.

A total of 252 wells were sampled in Cambridge and White Creek for the contaminant, which is known formally as perfluorooctanoic acid and was used in nonstick coatings such as Teflon.

State Department of Environmental Conservation spokesman Kevin Frazier said 29 wells had concentrations of PFOA at or higher than the federal Environmental Protection Agency's threshold of 70 parts per trillion.

DEC officials have offered to install point-of-entry treatment systems to all homeowners in the affected area. Forty-eight homeowners in White Creek and eight in Cambridge took the state up on its offer, according to Frazier.

The point-of-entry-treatment system, or POET for short, uses carbon to remove the PFOA from the water supply.

The communities of Hoosick Falls and Petersburg have been grappling with PFOA contamination from the Saint-Gobain and Honeywell companies.

The DEC has been investigating how the PFOA contamination spread into Washington County.

The department completed sampling of surface water and sediment from the Hoosic River, according to Frazier. Groundwater samples were collected in November from the Cambridge landfill and Cambridge yard waste facility.

The state Department of Health is continuing to conduct well sampling.

White Creek Town Supervisor Robert Shay said the bulk of the water sampling was done at homes on River Road along the Hoosic River. Then they branched out from there and into the village of Cambridge.

Residents had expressed concern at a forum in September about the quality of their water. Shay said there was a follow-up conference call where state officials agreed to install the point-of-entry treatment systems at the request of homeowners in the affected area.

"They were really responsive to us," he said.

DEC officials are very knowledgeable and have helped the town tremendously, he added.

Shay said he continues to believe that the contamination was spread from Rensselaer County through the Hoosic River, which flows north. Large rain storms such as Tropical Storm Irene in 2011 spread the contamination to homeowners' wells, he added.

The village of Hoosick Falls is hammering out an agreement with Saint-Gobain and Honeywell International that calls for the companies to pay \$850,000 to cover costs associated with the PFOA contamination, including monitoring, flushing village water lines, repairing fire hydrants, engineering and other fees, according to a notice on the village website.

The agreement was set to be approved Wednesday by the Village Board. However, Hoosick Falls Mayor David Borge said the meeting was postponed because it was difficult to get all the sign-offs from lawyers during the holiday season. It will be rescheduled.

"I'm still very optimistic that we'll get it done," he said.

The DEC has been working on its own agreement between Petersburg and Taconic Plastics. The state would install private well filtration systems and seek to recover the costs from the company, according to the town's website.

Groups seek NY constitutional right to clean air, water

ACTION: Six states have environmental rights provisions in their constitutions.

Jan 1, 2017

ALBANY (AP) — Environmental and public policy groups in New York are calling for a state constitutional amendment that would guarantee residents a right to clean air and water.

Environmental Advocates of New York and EffectiveNY are promoting the proposed amendment with online video ads Thursday featuring children from Hoosick Falls, where water wells have been contaminated by an industrial chemical.

"You shouldn't have to fight for clean water," says 15-year-old Mikayla Baker, a Hoosick Falls ninth-grader featured in one of the two videos.

The groups say a constitutional amendment would give residents more power to hold state lawmakers and regulators accountable for ensuring a healthy environment.

Six states have environmental rights provisions in their constitutions. A 1971 Environmental Rights Amendment to Pennsylvania's constitution was the basis for a state Supreme Court ruling in 2013 that said municipalities have a right to zone against shale gas development. Drilling in the underground shale has resulted in public health and environmental concerns.

In Hoosick Falls, special filters were installed on public and private wells contaminated with the industrial chemical PFOA that has been linked to cancer and other illness. Residents there have accused the administration of Democratic Gov. Andrew Cuomo of being too slow to launch an investigation and warn people after the contamination came to light in 2014.

At a state Senate hearing in August, Health Commissioner Howard Zucker said the state followed federal guidelines in addressing the issue.

"In 2016, we saw communities in New York struggling with clean drinking water and clean air," Environmental Advocates executive director Peter Iwanowicz said. "What was missing was clear language in the state constitution giving people the right to drink water that won't make them sick and breathe air that's safe."

State regulators also drew criticism this year from community residents and environmental groups for their handling of air permits for oil terminals at the Port of Albany. As a result, the Department of Environmental Conservation in September said it will require an extensive new review of permits originally issued in 2012 that turned Albany into a major hub for crude oil rail shipments from North Dakota.

"Constitutional protection means that even if a state agency or the Legislature does the wrong thing through regulation or statute, people have the ability to use our courts to get us to do the right thing," said Democratic state Sen. Liz Krueger, a potential sponsor of the amendment when it's drafted.

Residents now have the right to bring lawsuits challenging environmental laws or regulations, but a constitutional amendment would give stronger weight to their arguments, Iwanowicz said.

"An environmental rights amendment helps preserve the environment, but how much it helps depends on how it's worded, how the courts apply it, and the way in which various government

actors implement it," said John Dernbach, a Widener University law professor who has written about Pennsylvania's constitutional amendment.

One useful purpose of an environmental rights provision is that it prevents the state from backsliding on environmental protection when new laws and regulations are adopted, Dernbach said.

Hoosick Falls teens demand clean water in new social media ads

Web Staff

Published: December 29, 2016, 5:26 pm

HOOSICK FALLS, N.Y. (NEWS10) – Some of Hoosick Falls' youngest are demanding the right to clean drinking water in a series of ads posted to Facebook.

"Everyone takes water for granted," says one of the ads. "You never expected for a contamination like that to get into our water."

"I think one of the highest priorities of New York should be to have a healthy environment," says another ad. "It's ridiculous we should even have to ask for the right of clean water."

The ad features children impacted by the PFOA water contamination in the Hoosick Falls community. It was posted by the Environmental Advocates of New York and Effective New York.

The organizations are teaming up, calling for a constitution amendment which would grant New Yorkers the right to healthy drinking water, clean air, and a safe climate. They're hoping the issue will be included in Governor Cuomo's upcoming State of the State Address.

New fears over PFOA cleanup

Dec. 30, 2016

by WRGB Staff

BENNINGTON, VT (WRGB) -- Contamination concerns are back in the spotlight in Bennington County, Vermont.

State officials say they're now worried about how the company it believe is responsible for a dangerous chemical in the water there will move forward with the cleanup.

The Bennington town manager said Saint-Gobain Performance Plastics was cooperative after the initial discovery of PFOA in hundreds of the village's private wells.

Now, a letter from the company's CEO has officials worried Saint-Gobain is changing its tune.

North Bennington resident John Camelio said he wasn't surprised by the most recent word from Saint-Gobain Performance Plastics, while the company says it will continue to work with the state to eliminate the potential carcinogen PFOA from nearly 300 private wells in the village, it's bringing up some new arguments.

In a recent letter to Governor Peter Shumlin and Governor-elect Phil Scott, Saint-Gobain CEO Thomas Kinisky writes that while the company understands the state's concern, "it's our view that the statements in your letter about the health effects of exposure to PFOA are not supported by reliable science." Kinisky also says that the company believes it's premature for the state to conclude that Saint-Gobain is responsible for cleanup of the contamination and other actions necessary to protect public health and the environment.

"We in this community had nothing to do with it that's for sure," Camelio said. "We didn't even know about it."

Camelio, whose well was heavily affected, said he recognizes the company has taken responsibility by paying for point of entry filtration systems, like the one in his basement, but that's not a permanent fix. Camelio is afraid future maintenance costs as well costs to extend the village water supply will fall on tax payers.

"I think they were trying to do something to cover their tracks initially and now the thought of paying for the municipal system, they're just going to keep fighting it," Camelio said.

Vermont DEC Commissioner Alyssa Schuren sent us this statement:

"We were surprised and concerned by Mr. Kinisky's letter. Saint-Gobain has been a strong partner during the initial response, providing residents bottled water and filtration systems on homes. The tone and content of the most recent letter suggests a potentially significant shift in the way the company will approach addressing PFOA concerns in Bennington County."

Schuren said the state government will continue to press for long-term clean water solutions. Camelio and other impacted residents have taken up their own lawyers and signed up for a class action lawsuit against Saint-Gobain. Neighbors who were on the fence to join said after this most recent letter, they're signing up too.

"As far as i know, at least the people in my general community are not about to let it go," Camelio said.

Saint-Gobain declined to comment any further.

The total cost of extending the municipal water supplies would be around \$30 million, a cost both the town manager and residents said they think the company should pay for.

Opinion

Sea Coast Online

Coakley and the need for safe drinking water

Dec 29, 2016

By Jeff Barnum

Jeff Barnum is the Great Bay-Piscataqua Waterkeeper, a service of the Conservation Law Foundation. He can be reached at jbarnum@clf.org.

The Coakley landfill has been very much in the news. Nearby residents are worried about drinking water safety, at any level of contamination from perfluorinated chemicals (PFCs). These are the same chemicals of emerging concern that may cause cancer and resulted in the shut-down of one of Portsmouth's municipal wells at Pease, and caused another two to be retrofitted with carbon filters to protect human health.

The two PFCs of concern today - and there may be others in the future - are PFOA and PFOS. These chemicals were widely used in firefighting foams at Pease as well as in the production of non-stick cookware and stain resistant fabrics. The manufacture of PFCs in this country has stopped voluntarily but continues outside the U.S.

Coakley began accepting waste in the early 1970s. Unfortunately, though, it was not an engineered landfill, meaning it had no impermeable liner to contain liquid waste migration from the bottom; no leachate collection and treatment system; and no impermeable "caps" to prevent rainwater and snow melt from percolating down through the waste during years of operation.

Before the Coakley site became a dump, it was a sand and gravel operation and included a bedrock quarry that filled with groundwater. Shipments of waste were dumped into the standing water of the quarry. Until the dump was finally capped in the late 1990s, after being closed in the mid-1980s by the EPA, rainwater and snowmelt percolated down through this blender-mix of waste.

Wastes dumped at Coakley came from area towns, near and far, as well as from local industry, Pease Air Force Base, Portsmouth Naval Shipyard, and a huge volume of incinerator waste from Portsmouth's waste to energy facility at Pease. The list of hazardous wastes dumped at Coakley is eye-opening: corrosive and combustible cleaning liquids and solvents; poisonous liquid waste; malathion; flammable liquid waste paint; halogenated solvents; petroleum naptha; combustible liquid waste oil; pesticides; and spent paint and thinner. The list goes on, with some wastes disposed in staggering volumes; some in drums, some not.

The landfill - now an official Superfund site - has been capped and is monitored under an agreement between the EPA, the N.H. Department of Environmental Services and the Coakley Landfill Group, the latter consisting of the city of Portsmouth, the towns of Newington and North Hampton, and others - whose identities have not been publicly disclosed to the satisfaction of most.

Despite having been capped, however, there is real concern that pollution from the landfill is migrating offsite, through groundwater and surface water. Pollution has been found beyond the footprint of the original dump and has moved north almost to Breakfast Hill Road. Wells outside the present groundwater management zone, and completely beyond Coakley-controlled property, have tested positive for PFCs. And, as a result of surface water sampling I conducted

in early November, PFCs have been found in the upper reaches of both Little River and Berry's Brook, the latter with high levels, and in close proximity to residences on private wells.

Importantly, PFCs, which have been found in groundwater and stormwater at Pease (one of the reasons CLF has filed suit against the Pease Development Authority), don't occur naturally. Therefore, it's hard to imagine that the presence of PFCs near Coakley - in nearby wells, and the nearby upper reaches of Little River and Berry's Brook - aren't a sign that pollution is migrating offsite.

So why aren't regulators and the Coakley Landfill Group - the responsible parties - proactively solving the problem and taking steps to ensure the safety of nearby residents and the environment? Why, for example, has the Coakley Landfill Group refused to help Greenland deliver safe municipal drinking water to residents in areas where PFCs have been detected (while at the same time authorizing \$200,000 to help provide municipal water to a nearby subdivision that has not even been built)?

The Coakley Landfill Group claims that because off-site well tests do not exceed the EPA's health advisory for PFCs, it need not take action. But just because the EPA has adopted a PFC health advisory level of 70 parts per trillion doesn't mean it's a sufficiently protective level. The EPA's present level is a fraction of what it was just one year ago. Other states have concluded that 70 parts per trillion is not adequately protective of human health - New Jersey has proposed 12 parts per trillion, Vermont has adopted 20 parts per trillion as its standard, and other states are considering new limits out of caution. The Greenland wells may not exceed the EPA's limit of today - but what about tomorrow?

Last week, the Greenland Board of Selectmen and 40 area residents stood in unison before the Portsmouth City Council seeking Portsmouth's help in supplying safe drinking water. Because of the city's significant role on the Coakley Landfill Group (it is responsible for approximately 50 percent of the Group's financial liability), Portsmouth can and must be a leader in addressing the problem.

The immediate concern must be protecting the public's health and the environment. This is the moment when all the parties involved must stop being defensive and start moving forward, proactively. Regulators and responsible parties need to collaborate and immediately craft a plan to aggressively assess the nature and extent of the problem, to provide safe drinking water to affected residents, and to contain pollution onsite at Coakley. The health of nearby residents, and of our environment, can't wait.

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